

**From:** [Kushner, Adam M.](#)  
**To:** [Cantello, Nicole](#)  
**Cc:** [Mendoza, Stephen](#); [Bush, Bonnie](#); [Breneman, Sara](#); [Brahmbhatt, Roshni](#); [Caudill, Motria](#); [Frank, Nathan](#)  
**Subject:** RE: KCBX 114 information request  
**Date:** Tuesday, January 28, 2014 5:05:46 PM

---

Nicole:

In your January 24<sup>th</sup> electronic message granting KCBX an extension of certain deadlines in EPA's November 15, 2013 information request, you asked that KCBX notify you of the dates of completion of electrical work at each site. I write to inform you that as of today, January 28, 2014, the electrical work for all sites at both the North and South Plants has been completed such that power is available for the monitoring equipment when it arrives. As explained in our letter of January 17 and our e-mails of January 23 and January 24, 2014, once the monitors and enclosures arrive onsite, KCBX will still need to set up the monitoring equipment at each of the sites and connect it to the power source at the site ([weather permitting](#)).

You also requested that KCBX notify you of any issues that would prevent compliance with the applicable deadlines of February 17 for commencing operation of the PM monitors and February 26 for commencing operation of the meteorological stations. With respect to the meteorological stations, KCBX has just been informed by the City of Chicago that KCBX will be required to submit additional technical drawings in support of its application for permits to install the meteorological towers at the North and South Plants, namely drawings of each aluminum tower. KCBX has commissioned the drawings but is not certain when they will be complete, and whether that delay will affect the overall timeline for obtaining the necessary permits. KCBX will continue to update EPA regarding this matter.

Request no. 17 of the November 15, 2013 information request provides that "[d]etailed sampling protocols, containers, and shipping instructions will be provided by EPA within 30 days of issuance of this request." We would appreciate receiving the referenced protocols, containers and shipping instructions at the earliest possible opportunity and would ask that you have the containers delivered directly to the KCBX Terminals Company, 3529 East 100<sup>th</sup> Street, Chicago, Illinois, 60617.

Sincerely,

Adam Kushner

---

**From:** Cantello, Nicole [mailto:[cantello.nicole@epa.gov](mailto:cantello.nicole@epa.gov)]  
**Sent:** Tuesday, January 28, 2014 12:05 PM  
**To:** Kushner, Adam M.  
**Cc:** Mendoza, Stephen; Bush, Bonnie; Breneman, Sara; Brahmbhatt, Roshni; Caudill, Motria; Frank, Nathan  
**Subject:** RE: KCBX 114 information request

[Hello Adam:](#)

Thank you for your email. Although we appreciate the information you provided, we do not anticipate that additional extensions will be granted. However, should KCBX fail to meet any of the deadlines that have already been extended, the company is free to submit information regarding the cause of the delay. EPA will consider that information as it decides what (if any) response is warranted.

We appreciate your commitment to provide us with information regarding your progress. We look forward to continuing to work with KCBX in complying with the 114 request.

Best,

Nicole Cantello  
Attorney/Advisor  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
312/886-2870  
[cantello.nicole@epa.gov](mailto:cantello.nicole@epa.gov)

---

**From:** Kushner, Adam M. [<mailto:adam.kushner@hoganlovells.com>]  
**Sent:** Friday, January 24, 2014 4:11 PM  
**To:** Cantello, Nicole  
**Cc:** Mendoza, Stephen; Bush, Bonnie; Breneman, Sara; Brahmabhatt, Roshni; Caudill, Motria; Frank, Nathan  
**Subject:** RE: KCBX 114 information request

Dear Nicole:

Thank you for your email granting an extension of the January 23 deadline to begin operation of PM monitors and meteorological stations in accordance with EPA's November 15, 2013 information request and subsequent approval of KCBX's monitoring plan. KCBX will make every reasonable effort to begin operation of the PM monitors as of the deadline of February 17, and the meteorological stations as of the deadline of February 26.

Please be aware that the projected dates provided in our email yesterday represented what we estimated would be achievable under ideal weather conditions, and that – as we noted – we believed an extension until February 28 to be necessary given the weather conditions that might be expected to arise during winter in Chicago. We have already been informed by some of our contractors that the extreme weather conditions forecasted for the site for early next week (less than 5 degrees Fahrenheit on Monday and Tuesday) will reduce the availability of contractors on site on those days. Although we are not able to predict at this time whether this delay will affect our overall timetable, we are notifying you of this development so as to keep you fully informed of our progress.

As requested in your email, we will continue to notify EPA of any issues that will prevent compliance with the applicable deadlines. We will also provide the requested updates regarding the dates of delivery of the PM monitoring and meteorological equipment, completion of electrical

work, and permit issuance (with copies of permits to be submitted to EPA). Meanwhile, please do not hesitate to contact me with any questions or concerns regarding KCBX's ongoing efforts to comply with EPA's information request.

Finally, KCBX stands ready to perform the petroleum coke sampling approved by EPA once the Agency provides sampling protocols and containers as outlined in Request No. 18.

Sincerely,

Adam

---

**From:** Cantello, Nicole [<mailto:cantello.nicole@epa.gov>]

**Sent:** Friday, January 24, 2014 11:48 AM

**To:** Kushner, Adam M.

**Cc:** Mendoza, Stephen; Bush, Bonnie; Breneman, Sara; Brahmabhatt, Roshni; Caudill, Motria; Frank, Nathan

**Subject:** KCBX 114 information request

Dear Adam:

Thank you for your January 23, 2014, email providing detailed additional information relating to your January 17, 2014 request to extend deadlines set forth in our November 15, 2013, information request (the Request).

KCBX expects that all PM monitoring equipment will be on site and all electrical work will be completed by February 12, 2014. Considering the 72 hours specified in EPA protocols, EPA agrees to extend the deadline specified in Item 3 of the Request to 5 days after all the PM monitoring equipment is on site on February 12th. If the electrical work will not be completed by that time, please inform us immediately.

Your email states that with regard to the meteorological stations, KCBX expects to complete all preparatory work and obtain necessary permits by February 21, 2014. EPA agrees to extend the deadline for operation of the meteorological stations to 5 days after the permits are obtained on February 21st. Data from the particulate monitors is independent of meteorological data, and there is no reason to delay operation of the PM monitors until the met stations are operational. If the February 21<sup>st</sup> deadline will not be met, please inform us immediately.

EPA agrees to extend the deadline for submittal of the QAPP specified in Item 16 of the Request to February 3, 2014.

Finally, EPA requests that KCBX notify us of the dates of delivery of all PM monitoring and meteorological equipment, dates of completion of electrical work at each site, dates that permits are issued, and that KCBX submit copies of the permits.

Thank you for your cooperation in this matter.

Best,

Nicole Cantello  
Attorney/Advisor  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
312/886-2870  
[cantello.nicole@epa.gov](mailto:cantello.nicole@epa.gov)

---

**From:** Kushner, Adam M. [<mailto:adam.kushner@hoganlovells.com>]  
**Sent:** Thursday, January 23, 2014 4:12 PM  
**To:** Cantello, Nicole  
**Cc:** Mendoza, Stephen; Bush, Bonnie; Breneman, Sara; Brahmabhatt, Roshni; Caudill, Motria  
**Subject:** RE: response to inquiry on 2 recent 114 information requests

Dear Nicole:

Thank you for your response regarding our January 17 letter seeking an extension of the January 23 deadline for certain items in EPA's November 15, 2013 information request. As detailed in that letter, KCBX has expeditiously undertaken the complex process of permitting, installing, and providing electrical power for the nine PM monitors and two meteorological stations approved by EPA as of December 24, 2013 (and delivered by US Mail only over the holiday season), but several issues have arisen that have prevented KCBX from completing all of the required tasks within 30 days.

In your email, you requested an update as to two of the items described in our letter: soil borings required for the permitting of the meteorological stations and electrical work at three of the monitoring sites.

With respect to the soil borings, the consultant that KCBX retained in order to facilitate the process of obtaining required local permits informed KCBX on January 15, 2013, that the company would need to provide soil boring information for both sites as part of its permit application. Since submitting the January 17 extension request, KCBX's consultant confirmed that existing soil data from other permit applications for past activities at the South Plant could be used in lieu of fresh soil samples, and plans to submit a permit application for this site as of January 23. KCBX has scheduled the boring at the North Plant for tomorrow, January 24, weather permitting, which is the earliest date that the contractor indicated it could legally conduct the boring in view of the 48-hour notice period required to be provided to the utilities. If the weather permits KCBX's contractor to conduct the testing as scheduled, KCBX will then have completed this item and be ready to proceed with having a structural engineer prepare drawings of the site and design the foundation for the meteorological tower, followed by submission of all required documentation and an estimated one-week approval process. In anticipation of successfully obtaining a local permit by February 21, KCBX has scheduled installation of the meteorological tower for that date.

KCBX is also continuing with the various tasks necessary to have electrical power available for the

monitors and meteorological stations once the monitoring equipment arrives onsite. For each of the sites approved by EPA, KCBX offers updates below regarding their current status. In general, the installation process has been delayed by the presence of soils that are not well suited for excavation and prevalent sub-zero temperatures. Additionally, as noted in the January 17 extension request, none of the monitors and enclosures required by KCBX were available to ship until this week, and the final three enclosures will not arrive until February 12. Accordingly, KCBX has also included an update as to the estimated arrival dates for the equipment for each site.

North Plant, northwest site: This site is located on leased ground with no currently available source of power. KCBX initially evaluated the possibility of applying to the city for authorization to replace a transformer and install a meter in order to obtain power directly from the pole owned by the power company, Commonwealth Edison, but rejected this option when informed by its electrical contractors that it would likely take several weeks to complete this process. Instead, KCBX plans to bore a hole approximately 100 feet under the adjacent rail track in order to install a trench to an alternate, KCBX-owned pole that KCBX can access without any further authorization. Because the boring machine uses water to cut through the ground, KCBX's contractors could not commence this work during the recent low temperatures without the possibility of significant damage to the machine. KCBX has scheduled the boring to commence on January 24, and completion is estimated by January 27. KCBX expects the monitoring equipment for this site to arrive by January 28.

North Plant, northeast site: KCBX will need to dig a trench of approximately 50 feet in order to provide power to this site. The first 8 feet were frozen, requiring additional time to perform this work. KCBX expects the electrical contractor to complete this work by January 27. KCBX expects the air monitor unit for this site to arrive by January 28. KCBX expects the monitoring equipment for this site to arrive by January 28.

North Plant, southwest site: This site required a short trench in frozen ground and a short run into an existing panel. KCBX expects the electrical contractor to complete this work by January 24. KCBX expects the monitoring equipment for this site to arrive by February 12.

North Plant, southeast site: This site requires digging of a trench approximately 70 feet long and 5 feet deep. KCBX will also need to install a mini power-zone transformer. KCBX expected the transformer to arrive by today, but it has yet to be delivered. KCBX now expects the transformer to be delivered tomorrow, and for the electrical work to be completed by January 24. KCBX expects the monitoring equipment for this site to arrive by February 12.

South Plant, north site: This site requires the installation of a new wood pole for power to be run to the site overhead. KCBX made two initial attempts to drill a hole, which were obstructed by a concrete foundation 6 feet down. The third attempt was successful, and KCBX has scheduled setting of the pole in concrete for January 23. KCBX estimates the power line will be fully installed by January 29. KCBX expects the monitoring equipment for this site to arrive by February 12.

South Plant, northwest site: KCBX will need to run a power line approximately 1000 feet up and over an adjacent rail track. KCBX estimates completion of this work by January 31. KCBX expects

monitoring equipment for this site to arrive by February 10.

South Plant, northeast site: KCBX utilized an existing underground conduit to provide power to this site. KCBX will pull new wire to the existing disconnect switch and modify it with new fuses, and expects to complete this work by January 28. KCBX expects the monitoring equipment for this site to arrive by February 12.

South Plant, southwest site: This site will utilize an existing panel for power. KCBX estimates it will complete necessary modifications to the panel by January 27. KCBX expects the monitoring equipment for this site to arrive by February 12.

South Plant, southeast site: This site required trenching through an asphalt road with heavy truck traffic. The digging was delayed by the need to dig a large portion of the trench through very compact soil. KCBX still must run an electrical conduit and wire approximately 300 feet, 30 feet overhead to an existing conveyor structure. The electrical run requires a mini power-zone transformer to be installed. KCBX expected the transformer to today, but now appears that it will not arrive until tomorrow. KCBX anticipates that the above-described electrical work to be completed by January 30. KCBX expects the monitoring equipment for this site to arrive by February 12.

South Plant, meteorological tower: The permitting process for this site is proceeding as outlined above. KCBX expects the monitoring equipment for this site to arrive by February 12.

Once the electrical work is finished for each site and the relevant monitoring equipment has arrived, KCBX will install the monitoring equipment at the sites, connect the monitors to the power supply, and conduct a 72-hour zero background test for each monitor. Because of the time required to accomplish these final steps, KCBX estimates that it will be ready to commence the monitoring program approved by EPA by February 28, 2014, given expected weather conditions and barring any unforeseen obstacles.

Thank you again for your consideration of our extension request, and please do not hesitate to contact us if we can provide any further information regarding the circumstances detailed in our January 17 request.

Sincerely,

Adam Kushner

---

**From:** Cantello, Nicole [<mailto:cantello.nicole@epa.gov>]

**Sent:** Thursday, January 23, 2014 12:48 PM

**To:** Kushner, Adam M.

**Cc:** Mendoza, Stephen; Bush, Bonnie; Breneman, Sara; Brahmhatt, Roshni; Caudill, Motria

**Subject:** RE: response to inquiry on 2 recent 114 information requests

Dear Adam,

We just spoke about EPA's response to your request for an extension in your January 17, 2014, letter. KCBX is requesting an extension of some of the deadlines in the November 15, 2013, information request. Your letter states that with regard to the meteorological stations, soil borings can be performed and analyzed as of January 21, and that if any redesign should be necessary, it could be accomplished as of January 20. These dates have passed. Please provide us a status update on those activities.

Your letter states that electrical work at three sites may not be completed by January 23 and could take until February 28. We cannot grant an extension based on such an uncertain prediction. As January 23 has passed, please provide a status update on the electrical work as well.

We will make a finding on your extension request after you have provided these updates.

We appreciate your patience and look forward to receiving the information.

Thanks very much.

Nicole Cantello  
Attorney/Advisor  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
312/886-2870  
[cantello.nicole@epa.gov](mailto:cantello.nicole@epa.gov)

---

**About Hogan Lovells**

Hogan Lovells is an international legal practice that includes Hogan Lovells US LLP and Hogan Lovells International LLP. For more information, see [www.hoganlovells.com](http://www.hoganlovells.com).

CONFIDENTIALITY. This email and any attachments are confidential, except where the email states it can be disclosed; it may also be privileged. If received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email (and any attachments) from your system.